

# SENATE BILL 122

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CF 0lr1809

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By: **Senators Brochin and Stone**

Introduced and read first time: January 15, 2010

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore County – Towson Commercial Revitalization District – Alcoholic**  
3 **Beverages Licenses – Restaurants – ~~Minimum Capital Investment and~~**  
4 **~~Transfers~~**

5 FOR the purpose of ~~lowering~~ altering in the Towson Commercial Revitalization  
6 District in Baltimore County the ~~minimum~~ amount of capital investment  
7 required for certain restaurants for which certain alcoholic beverages licenses  
8 may be transferred and new licenses issued; altering the food sales and seating  
9 capacity requirements for certain restaurants; ~~reducing the time by a certain~~  
10 ~~amount that an applicant for transfer must wait under certain circumstances;~~  
11 and generally relating to alcoholic beverages licenses for restaurants in  
12 Baltimore County.

13 BY repealing and reenacting, without amendments,  
14 Article 2B – Alcoholic Beverages  
15 Section 8–204.3(a) ~~and (b)(1)~~, (b)(1), and (f)  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2009 Supplement)

18 BY repealing  
19 Article 2B – Alcoholic Beverages  
20 Section 8–204.3(e)  
21 Annotated Code of Maryland  
22 (2005 Replacement Volume and 2009 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
 2 Article 2B – Alcoholic Beverages  
 3 Section 8–204.3(e)  
 4 Annotated Code of Maryland  
 5 (2005 Replacement Volume and 2009 Supplement)

6 BY repealing and reenacting, with amendments,  
 7 Article 2B – Alcoholic Beverages  
 8 Section ~~8–204.3(f)~~ 8–204.3(d)(3) and (5)  
 9 Annotated Code of Maryland  
 10 (2005 Replacement Volume and 2009 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article 2B – Alcoholic Beverages**

14 8–204.3.

15 (a) This section applies only in Baltimore County.

16 (b) (1) Notwithstanding the license population quota limitations of the  
 17 Board of Liquor License Commissioners and in addition to the licenses authorized for  
 18 issuance in Baltimore County, the Board of Liquor License Commissioners may  
 19 authorize the transfer into the Towson Commercial Revitalization District, as defined  
 20 by the Baltimore County Council, of not more than 10 beer, wine and liquor (on-sale)  
 21 licenses that:

22 (i) Were issued on or before December 31, 2008;

23 (ii) Are in existence in Election District 15 of Baltimore County  
 24 on June 1, 2009; and

25 (iii) Are valid on the date of transfer.

26 (d) (3) [The] EXCEPT AS PROVIDED IN SUBSECTION (E)(2)(II) OF THIS  
 27 SECTION, THE restaurant operation shall maintain average daily receipts from the  
 28 sale of food at least 65% of the total daily receipts of the restaurant.

29 (5) [The] EXCEPT AS PROVIDED IN SUBSECTION (E)(2)(III) OF  
 30 THIS SECTION, THE area dedicated to the restaurant operation shall have a minimum  
 31 seating capacity of 100 persons.

32 [(e) An applicant for transfer of a Class B or Class D license and issuance of a  
 33 Class B (B, W, L) (TCRD) license shall demonstrate to the Board of Liquor License  
 34 Commissioners that the restaurant has a minimum capital investment of \$500,000,  
 35 excluding the cost of the land and building shell.]

1 (E) OF THE RESTAURANTS FOR WHICH A CLASS B OR CLASS D LICENSE  
 2 MAY BE TRANSFERRED AND A CLASS B (B, W, L) (TCRD) MAY BE ISSUED  
 3 UNDER SUBSECTION (B)(1) OF THIS SECTION, THE BOARD OF LIQUOR LICENSE  
 4 COMMISSIONERS MAY REQUIRE THAT:

5 (1) FOR NOT MORE THAN ~~SIX~~ SEVEN RESTAURANTS, APPLICANTS  
 6 FOR LICENSE TRANSFER AND ISSUANCE DEMONSTRATE A MINIMUM CAPITAL  
 7 INVESTMENT, EXCLUDING THE COSTS OF THE LAND AND BUILDING SHELL, OF  
 8 \$500,000; AND

9 (2) FOR NOT MORE THAN ~~FOUR~~ THREE RESTAURANTS,  
 10 APPLICANTS;

11 (I) APPLICANTS FOR LICENSE TRANSFER AND ISSUANCE  
 12 DEMONSTRATE A ~~MINIMUM~~ CAPITAL INVESTMENT, EXCLUDING THE COSTS OF  
 13 THE LAND AND BUILDING SHELL, OF ~~\$50,000.~~ NOT LESS THAN \$50,000 OR MORE  
 14 THAN \$400,000;

15 (II) THE RESTAURANT OPERATION MAINTAIN AVERAGE  
 16 DAILY RECEIPTS FROM THE SALE OF FOOD AT LEAST 70% OF THE TOTAL DAILY  
 17 RECEIPTS OF THE RESTAURANT; AND

18 (III) THE AREA DEDICATED TO THE RESTAURANT  
 19 OPERATION HAVE:

20 1. A MAXIMUM SEATING CAPACITY OF 100 PERSONS,  
 21 WITH THE SEATING CAPACITY IN THE BAR AREA NOT EXCEEDING 15% OF THE  
 22 TOTAL SEATING CAPACITY OF THE RESTAURANT; AND

23 2. A MINIMUM SEATING CAPACITY OF 40 PERSONS.

24 (f) The Board of Liquor License Commissioners shall deny an application for  
 25 transfer of a Class B or Class D license and issuance of a Class B (B, W, L) (TCRD)  
 26 license if within ~~2 years~~ 1-YEAR immediately preceding the application:

27 (1) (i) The applicant was a holder of an on-sale license issued  
 28 under this article within the boundaries of the Towson Commercial Revitalization  
 29 District; or

30 (ii) There was an on-sale license in existence for the proposed  
 31 premises of the applicant; and

32 (2) The previous on-sale license was transferred to premises outside of  
 33 the Towson Commercial Revitalization District.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   June 1, 2010.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.